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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,696	09/08/2003	Douglas J. Menkedick	8266-0880	1212
25267	7590	08/14/2006	EXAMINER	
BOSE MCKINNEY & EVANS LLP 135 N PENNSYLVANIA ST SUITE 2700 INDIANAPOLIS, IN 46204			SANTOS, ROBERT G	
			ART UNIT	PAPER NUMBER
			3673	

DATE MAILED: 08/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/657,696	Applicant(s) MENKEDICK ET AL.	
	Examiner Robert G. Santos	Art Unit 3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2006 and on 01 June 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 and 51-107 is/are pending in the application.
- 4a) Of the above claim(s) 51-107 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on February 21, 2006 has been entered.

Election/Restrictions

2. Newly submitted claims 51-78 (as well as claims 79-107 newly submitted in the papers filed June 1, 2006) are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The invention originally claimed was a patient support comprising an intermediate frame movable relative to a base frame; however, claims 57-72 and 75-107 are drawn to a patient support comprising a masterless communication network and a plurality of modules connected to the network while claims 51-56, 73 and 74 are drawn to a patient support comprising a controller area network including a serial bus connecting a plurality of control modules.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 51-107 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. App. Pub.2004/0177445 to Osborne et al. in view of U.S. Pat. No. 7,009,995 to Bohrer et al. Osborne et al. '445 are considered to show all of the claimed limitations as recited in claims 1-22 (see Figures 40-51, 116-123 & 128; page 16; page 17, lines 1-6 & paragraph 0248; page 18, paragraphs 0251-0259; page 19, lines 1-7; page 44, paragraphs 0540-0549; page 45; page 46, lines 1-5; page 47, paragraphs 0569-0575; and page 48, lines 1-13) except for a condition wherein the at least one actuator or lift mechanism (2048a, 2048b) is coupled to a controller area network. Bohrer et al. '995 provide the basic teaching of a controller area network which is currently used in medical technology and is known "for networking...actuators within an installation or machine" (see Bohrer et al. '995, column 1, lines 15-22). The skilled artisan would have found it obvious at the time the invention was made to couple the at least one actuator or lift mechanism to a controller area network since this type of digital communication protocol is well known and widely used due to its high speed and integrity, simple wiring construction and relatively low cost.

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Response to Amendment

5. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

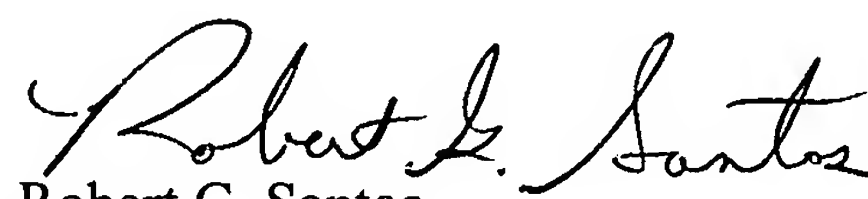
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Menkedick et al. '731, Menkedick et al. '730, Menkedick et al. '079, Bartling '517, Uemura et al. '317, Osborne et al. '029, Kramer et al. '352, Osborne et al. '560, Skinner et al. '559, Poulos et al. '624, Poulos et al. '562, Poulos et al. '555, Pfaff '144, Osborne et al. '500, Pfaff '357, Petrosenko et al. '940, Bartling et al. '739, Bartling '594, Earnst et al. '710, Chasmawala et al. '111, Schumacher et al. '458, Bartling '583, Bartling '047, Novak '677, Everett '722, El-Demerdash et al. '688, Matsumoto '903, El-Demerdash et al. '953, Shingaki '100, Silvkoff et al. '431, Hall et al. '247, Stoneking et al. '670, Stoneking '783, Schumacher et al. '603, Bartling '547, Bartling '016, Lorinser et al. '221 and Schumacher et al. '724.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert G. Santos whose telephone number is (571) 272-7048. The examiner can normally be reached on Tues-Fr and first Mondays, 10:30 a.m. to 8:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia L. Engle can be reached on (571) 272-6660. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Robert G. Santos
Primary Examiner
Art Unit 3673

R.S.
August 8, 2006